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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,012	12/20/2001	Benjamin J. Parker	1805 (15817)	1871

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EXAMINER

BAUGH, APRIL L

ART UNIT PAPER NUMBER

2141

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/034,012		PARKER ET AL.	
	Examiner		Art Unit	
	April L Baugh		2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) 2, 13, 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14 and 17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

Applicant has amended claims 1, 3, 12, 14, 15, and 17, and canceled claims 2, 13, and 16, therefore claims 1, 3-12, 14-14, and 17.

Response to Arguments

1. Applicant's arguments filed 6/28/04 have been fully considered but they are not persuasive. Applicant argues that Buck et al. does not teach establishing a network session directly between the calling user and the called user. Examiner's position is that Buck et al. teaches the above limitation (page 1-2, section 0011, page 2, section 0013 and page 5, section 0055). Applicant further argues that AAPA does not teach a method for detecting the presence of the NAT firewall. However, it is the examiner's opinion that AAPA teaches the above limitation (page 3, lines 18-22).

Buck et al. teaches, '...to determine whether the recipient is protected by a firewall and whether a direct two-way voice transmission and communication over the internet with intended recipient are possible through the firewall...if it is determined that the outgoing UDP packets are allowed to be transmitted by the firewall security system, the UDP voice data packets may be sent directly from the internal client's computer over the Internet to the remote recipient, bypassing the gateway server '. Here it can be seen that Buck et al. does teach of direct transmission by bypassing the gateway server.

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AAPA teaches, "Firewalls can perform network address translation (NAT) in which a user's local equipment IP address is translated into a global IP address of the firewall, so that a particular computer is not directly accessible from outside the firewall." Here it can be seen that the function of a firewall is disclosed in that it translates an address, therefore it is obvious that a way to detect firewalls would be to recognize a mismatch in the global and local address of the equipment.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9-17 rejected under 35 U.S.C. 102(e) as being unpatentable by US

Publication 2002/0186683 to Buck et al.

Regarding claims 1, 12, and 15, Buck et al. teaches a method, central server, and server software for connecting at least two users to exchange network packets via an internetwork (page 1, section 0009 and Fig. 1), each user being addressable within said internetwork at a respective global address (page 4, section 0045), and wherein some users of said internetwork are connected to said internetwork via a respective firewall (page 4-5, section 0050), said method comprising the steps of: maintaining in a central server coupled to said internetwork a database of registered users (page 1, section 0010 and page 4, section 0044), said database including respective global addresses corresponding to said registered users (page 4, section 0045);

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receiving a call request from a calling user to establish a connection to exchange network packets with a called user, at least said called user being a registered user (page 3, section 0038 and page 4, section 0043); detecting whether a respective firewall is in place between said called user and said internetwork (page 1, section 0008 and 0011); and if a respective firewall is not in place between said called user and said internetwork, then: transmitting said called user's respective global address to said calling user; and said calling user establishing a network session for said connection with said called user by transmitting to said called user's respective global address (page 5, section 0055 and Figs. 5-10 and 12); and if a respective firewall is in place between said called user and said internetwork, then: detecting whether a respective firewall is in place between said calling user and said internetwork (page 1, section 0008 and 0011); and if a respective firewall is not in place between said calling user and said internetwork, then: transmitting said calling user's respective global address to said called user; and said called user establishing a network session for said connection with said calling user by transmitting to said calling user's respective global address (Fig. 11 and page 2, section 0013).

Regarding claims 3, 14, and 17, Buck et al. teaches the method of claim 1, 12, and 15 further comprising the steps of: if a respective firewall is in place both between said called user and said internetwork and between said calling user and said internetwork (page 4-5, section 0050), then relaying through said central server all packets exchanged between said calling user and said called user during said connection (page 2, section 0012).

Regarding claim 4, Buck et al. teaches the method of claims 1 further comprising the step of: receiving respective activation messages from each of said registered users at times when they become available for connecting to other users (page 4, section 0042).

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Referring to claim 5, Buck et al. teaches the method of claim 4 wherein a presence of a firewall is detected after receiving said respective activation messages, and wherein said database stores data indicating whether said respective firewall is detected for each respective active user or not (page 1, section 0007-0008, page 4, section 0044-0045 and page 5, section 0054).

Regarding claim 6, Buck et al. teaches the method of claim 5 wherein said central server transmits periodic messages to each respective active user for which a firewall is detected in order to maintain an open network session (page 4, section 0045).

Referring to claim 7, Buck et al. teaches the method of claim 1 wherein said central server transmits periodic messages to each respective active user in order to maintain an open network session with each respective active user (page 4, section 0045).

Referring to claim 9, Buck et al. teaches the method of claim 1 wherein said respective global addresses each include an IP address and port number (page 4, section 0045).

Regarding claim 10, Buck et al. teaches the method of claim 1 wherein said database further includes a respective telephone number associated with each registered user, and wherein said call request identifies said called user by a respective telephone number (page 4, section 0043).

Referring to claim 11, Buck et al. teaches the method of claim 10 wherein a telephone call is established over a public switched telephone network between said calling user and said called user simultaneously with said connection for exchanging network packets (page 1, section 0003 and page 4, section 0043).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication 2002/0186683 to Buck et al. in view of Applicant Admitted Prior Art (AAPA).

Regarding claim 8, Buck et al. teaches the method of claim 1 wherein said respective firewalls include address translating firewalls and a firewall being detected (page 1, section 0007-0008).

Buck et al. does not teach of comparing said respective global address and said respective local equipment address, a firewall being detected when said respective global address and said respective local equipment address do not match. AAPA teaches wherein said respective firewalls include address translating firewalls for translating between a respective global address of a respective user and a respective local equipment address of said respective user, wherein each of user, and wherein said firewall detecting step is comprised of comparing said respective global address and said respective local equipment address, a firewall being detected when said respective global address and said respective local equipment address do not match (page 3, line 18 through page 4, line 2). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the network communications configuration system of Buck et al. by comparing said respective global address and said

respective local equipment address, a firewall being detected when said respective global address and said respective local equipment address do not match because this is an efficient manner of detecting firewalls without the need to transmit and lose packets on the network.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

A handwritten signature in black ink, appearing to read 'Rupal Dharia', with a horizontal line extending to the right.

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER